IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 4732 of 2007(L)

AGAINST THE ORDER IN OPMV. 92 /2001 AND
OPMV.1481/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD

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PETITIONER:

P.RADHAKRISHNAN
S/O K.M.CHANDRASEKHARA PANICKER
USHUS, RAILWAY STATION ROAD,
SHORANUR
PALAKKAD DISTRICT

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. C.MANI
S/O CHINNASWAMY
AGE NOT KNOWN, MATHASALAI, M.G.R.NAGAR
SRIRANGA PALAYAM, COIMBATORE

2. MURTHY
S/O NADARAJAN
AGED 82 YEARS, GOKULAM COLONY
P.N.PUTHOOR, COIMBATORE

3. THE NATIONAL INSURANCE CO. LIMITED,
16, STATE BANK ROAD
COIMBATORE-641 018

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON 12/02/2007 DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.4732 OF 2007

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Dated this the 12th day of February 2007

JUDGMENT

Petitioner has filed O.P.(MV)1481/2000 for compensation for property damage and O.P.(MV)No.92/2001 for damages for personal injuries. His grievance is that both the cases were being posted together though no joint trail had been ordered but that at present the court has posted one case to 14-2-2007 and other case to 15-2-2007. The prayer in the writ petition are the following:

i) Issue appropriate directions to the M.A.C.T., Palakkad to try O.P.(MV) Nos.1481/2000 and 92/2001 together.

ii) The order dated 23-1-2007 in I.A.5693/2006 in O.P. (MV)No.1481/2000 of the M.A.C.T., Palakkad (Ext.P3).

iii) Allow in I.A.5693/2006 in O.P.(MV)No.1481/2000 of the M.A.C.T., Palakkad; and

iv) Pass such other order, which are deemed fit and proper on the facts and circumstances of the case and in the interest of justice.

To have both the O.Ps. tried together the petitioner is at liberty to move the Motor Accident Claims Tribunal filing appropriate petition. The tribunal shall pass appropriate orders

considering the request. The next grievance is that I.A.5693/2006 seeking for summoning the Surveyor in O.P.(MV) 1481/2000 was dismissed by the Tribunal for the reason that no batta is paid. Petitioner is satisfied if summons is ordered to be served by the petitioner himself to the Surveyor. The Tribunal shall issue summons to the Surveyor by party. O.P.(MV)92/2001 which stands posted to 14-2-2007 shall stand adjourned to 15-2-2007. The petitioner shall file appropriate petition before the Tribunal, positively on or before 14-2-2007 so as to enable the Tribunal to proceed with the trial on 15-2-2007. Ext.P3 order dismissing I.A.5693/06 shall stand set aside. The Tribunal shall pass appropriate orders on the joint trial petition if any filed, positively on 15-2-2007 and only thereafter shall the trial be proceeded with. The petitioner may produce a copy of this judgment before the Tribunal in time so as to enable the Tribunal to act according to the directions.

K.P.BALACHANDRAN, JUDGE

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